

Applicants initially traverse the restriction requirement on the ground that it fails to properly list the pending claims. The restriction requirement indicates that claims 1-20 are pending, which is not the case. As indicated above, claim 8 has been canceled, and claims 1-7 and 9-20 are pending. Thus, the restriction requirement is improper on its face.

Applicants further traverse the restriction requirement on the ground that it is untimely. The restriction requirement comes in a fifth Office Action in the present application, after the Examiner has had ample opportunity to consider the claims of both groups. In fact, the Examiner has already both indicated that claims 13, 14, 16 and 17 were allowable, and rejected said claims on multiple grounds over the course of multiple Office Actions. Accordingly, it is believed that claims 13, 14, 16 and 17 have been fully searched and considered, and that to separate them now from the other pending claims is inappropriate.

Moreover, as indicated above, claims 13, 14, 16 and 17 are in independent form because the Examiner had previously indicated that such claims would be allowable if rewritten in independent form. Although the Examiner subsequently withdrew that indication of allowable subject matter, it is clear from the previous four non-final Office Actions that searching and considering these claims in conjunction with the other pending claims of the application does not represent an undue burden on the Examiner.

Applicants further traverse the restriction requirement on the merits, in that it is believed that the claims of the identified groups are clearly not related as combination and subcombination as alleged. For example, neither of claims 1 and 13 includes all of the elements of the other, as would be expected if such claims were related in the manner alleged.

In view of the foregoing, the restriction requirement is believed to be improper and should be withdrawn. The Examiner has had ample opportunity to consider the claim set in its entirety, and has in fact already issued multiple Office Actions addressing the full claim set. Claims 13, 14, 16 and 17 are in independent form due to an indication of allowable subject matter issued by the Examiner after considering the full claim set. To subject the claims to restriction at this stage of the prosecution is an inefficient use of resources for both the Applicants and the United States Patent and Trademark Office.

Notwithstanding the traversal, Applicants elect the pending claims of Group I, that is, claims 1-7, 9-12, 15 and 18-20, for further prosecution, should the Examiner fail to withdraw the restriction requirement.

Respectfully submitted,

A handwritten signature in black ink that reads "Joseph B. Ryan". The signature is written in a cursive, flowing style with a large initial "J" and a stylized "R".

Date: October 5, 2005

Joseph B. Ryan
Attorney for Applicant(s)
Reg. No. 37,922
Ryan, Mason & Lewis, LLP
90 Forest Avenue
Locust Valley, NY 11560
(516) 759-7517